



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,719	08/02/2000	PHILIPPE BOIRE	1247-0855-0V	2442

7590

04/04/2002

OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON, VA 22202

EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 04/04/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

Advisory Action

Application No.

09/486,719

Applicant(s)

BOIRE ET AL.

Examiner

Andrew T Piziali

Art Unit

1775

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DEBORAH JONES

SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant insists that Hashimoto does not disclose a coating for attenuating/modifying the color of the glazing, but the applicant discloses that the tie-layer coating may also be used to fulfil a role of attenuating the color of the glazing (page 10, lines 24-30). The applicant also discloses that the tie-layer coating may comprise aluminum oxide (page 10, lines 21-23) or tantalum oxide (page 17, lines 24-25). Hashimoto discloses that one layer (4) may be aluminum oxide (column 3, lines 48-55) and that two layers (5 and 6) may be, actually they are preferred to be, tantalum oxide (column 4, lines 1-5). Therefore, by disclosing tie-layers Hashimoto is disclosing layers that attenuate the color of the glazing.

Applicant admits that Hashimoto relates to an electrochromic device, while Kiju relates to a face plate for a CRT, LCD or other display devices (page 4, lines 10-15 of applicant's response filed 3/19/02). The applicant requests clarity as to why one skilled in the art would combine Hashimoto and Kiju. The applicant's invention obviously relates to an electrochromic device as disclosed by the applicant in the specification (page 2, line 19-page 4, line 24) and the applicant's invention obviously relates to display devices such as flat-screen televisions (LCD displays) because the applicant discloses such on page 17, lines 10-14. The applicant discloses that electrochromic devices are related to flat-screen televisions (LCD displays) in Example 1, the applicant discloses that an electrochromic glazing may be used as the display screen of a flat-screen television (page 17, lines 10-17).

The applicant insists that Hashimoto and Kiju relate to a display, but not to a glazing. The examiner would like to thank the attorney for extending the courtesy of providing dictionary definitions of "glazing" and "display", but considering that the applicant discloses that an electrochromic glazing may be used as the display screen of a flat-screen television (page 17, lines 10-13), the examiner insists that the display devices of Hashimoto and Kiju relate to glazings.

In regards to the applicant's comparative data supplied in support of claim 16, the examiner continues to assert that Hashimoto teaches a glazing with both a coating for attenuating the color (as explained above) and an antireflection coating (column 3, lines 2-7).

In regards to the applicant's argument that the protective film recited in claim 39 is "understood" to protect the functional layers, the examiner asserts that the claim was not written to this specific limitation and was addressed appropriately in the office action dated 12/26/01.

G.P.
atp